

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Velva Stewart, Christopher Busho, Jacob  
Denedo, Kenneth C. Frazier, Robin Hanson,  
Frangena Johnson, Rebekah Miller, Ahmed  
M. Rasheed, Petrina Rhines, and Lonnie Woods,  
on behalf of themselves and other individuals  
similarly situated,

Plaintiffs,

Civil No. 05-1502 (RHK/AJB)

**Order on Defendant's  
Motion to Dismiss**

v.

CenterPoint Energy Resources Corporation,  
d/b/a/ CenterPoint Energy Minnesota Gas, a  
foreign corporation,

Defendant.

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This matter is before the court on a Report and Recommendation from Magistrate Judge Arthur J. Boylan dated December 8, 2005. There being no objections filed to Magistrate Judge Boylan's Report and Recommendation, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 33) is **ADOPTED**;
2. Defendants' Motion to Dismiss Counts I, II, V and VI (Doc. No. 5) is **DENIED**;
3. Defendants' Motion to Strike Plaintiffs' claims for punitive damages (Doc. No. 5) is **GRANTED**;
4. All claims for punitive damages are **STRICKEN** from the First Amended Complaint; and

5. Plaintiffs are directed to follow Minnesota law regarding pleading claims for punitive damages.

Dated: December 29, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge